

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2005-006946-001 DT

01/04/2007

HON. CAREY SNYDER HYATT

CLERK OF THE COURT

C. Smith

Deputy

STATE OF ARIZONA

FRANKIE Y JONES

v.

KEVIN SHANE MCCULLOUGH (001)

DOB: 02/04/1986

TAMMY WRAY

APO-SENTENCINGS-CCC

APPEALS-CCC

DISPOSITION CLERK-CSC

RFR

DISPOSITION HEARING - PROBATION REINSTATED WITH REVOCATION
ARRAIGNMENT/VIOLATION HEARING

3:37 p.m.

State's Attorney: Scott Evans on behalf of Frankie Y. Jones

Defendant's Attorney: Tammy Wray

Defendant: Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Defendant has previously entered a denial to the alleged violation of probation and now advises the Court that he/she wishes to enter an admission.

The Defendant admits violation of probation for condition 3.

The admission is accepted and entered of record.

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The Defendant is advised of the right to disposition hearing within the statutory time limits and the right to a written probation violation report.

Disposition proceeds at this time.

THE COURT FINDS the Defendant having absconded from probation is a refusal to participate in drug treatment, which takes him out of Proposition 200. The Defendant is now subject to all the penalties available for any Title 34 offense.

The Court finds Defendant has violated the conditions of probation previously imposed.

IT IS ORDERED suspending imposition of sentence and, under the supervision of the Adult Probation Department (APD), continuing the defendant on probation beginning 10/28/2006:

Count 1: With a revised expiration date of 10/27/2009.

Length of Probation: Three years

IT IS ORDERED that probation in this cause shall run concurrent with probation in CR2006-127712-001 DT and CR2006-129928-001 DT.

Conditions of probation include the following:

Condition 16 - Restitution, Fines, and Fees:

FINE: Count 1 - Total amount of \$1350.00, payable upon completion of the Drug Court Program. Surcharges are waived.

Fine is to be paid to the Arizona Drug Enforcement Fund.

ASSESSMENTS:

BENCH WARRANT FEE: Count 1: \$45.00

Count 1: PROBATION SURCHARGE: \$5.00

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00, payable \$5.00 per month, beginning 03/01/2007.

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All amounts payable through the Clerk of the Superior Court.

Additional Monetary Information: Bench Warrant Fee is payable \$15.00 per month beginning 03/01/2007.

Condition 17 - Not consume or drink any substance containing alcohol.

Condition 19 - Count 1: Complete 50 hours of approved community work service with credit for hours previously served at a minimum rate of five hours per month beginning as directed in writing by the Adult Probation Department.

Condition 21 - Count 1: Be incarcerated in the county jail for 30 day(s), beginning 12/14/2006 with credit for zero day(s) served.

Not to be released until 01/13/2007.

Report to the APD within 24 hours of release from jail. Comply with all program rules.

Condition 24 - Participate and cooperate in any counseling or assistance as directed by the APD as noted in the Uniform Conditions of Supervised Probation.

Condition 25 - Abide by the Special Conditions of Probation as noted on the attachment to the Uniform Conditions of Supervised Probation.

Condition 26 - Other: Call Roxanne Dal Pas for intake at 602-372-2321 immediately upon release.

Move into halfway house (maybe M.A.C.K.)

IT IS FURTHER ORDERED Defendant be given credit for any monies paid to date.

IT IS ORDERED granting the Motion To Dismiss the allegations of violation of the remaining term(s) as set forth in the Petition To Revoke.

Count(s) 1: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

The written terms and conditions of probation are handed to the Defendant for explanation and signature. The Defendant is advised of the consequences of failure to abide the terms of probation.

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A written probation violation report has not been prepared.

3:57 p.m. Matter concludes.

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Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HON. CAREY SNYDER HYATT
JUDGE OF THE SUPERIOR COURT

(thumbprint)